

Senate Bill No. 455

Passed the Senate August 27, 2014

Secretary of the Senate

Passed the Assembly August 19, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 1279 of, and to add Section 1276.45 to, the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 455, Hernandez. General acute care hospitals: nurse-to-patient ratios.

Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, the licensing and regulation of health facilities, as defined.

Existing law requires the department to adopt regulations governing the operation of a health facility, including, but not limited to, regulations that require prescribed health facilities to meet minimum nurse-to-patient ratios, and to assign additional staff according to a documented patient classification system for determining nursing care requirements. Violation of these provisions, or willful or repeated violation of the rules or regulations, is a crime.

This bill would, with respect to this patient classification system, require that a committee for each general acute care hospital review the reliability of this system for validating staffing requirements at least annually to determine whether the system accurately measures patient care needs. The bill would require that at least 50% of the committee members be registered nurses who provide direct patient care. The bill would require that these nurses be appointed by the bargaining agent of the registered nurses, if any, and in the absence of a bargaining agent, by the nursing administrator. The bill would require the remaining members of the committee to be appointed by the nursing administrator. By changing the definition of an existing crime, this bill would impose a state-mandated local program.

This bill would state that it is the Legislature's intent in enacting these provisions to supersede specified provisions of a certain regulation, and not to affect any other law.

Existing law requires the department to periodically inspect every licensed health facility for compliance with state law and regulations.

This bill would require the department, during its periodic inspection of a general acute care hospital, to inspect for compliance with the minimum nurse-to-patient ratios established pursuant to existing law.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 1276.45 is added to the Health and Safety Code, immediately following Section 1276.4, to read:

1276.45. (a) With respect to the patient classification system referenced in subdivision (b) of Section 1276.4, a committee for each general acute care hospital shall review the reliability of this system for validating staffing requirements at least annually to determine whether or not the system accurately measures patient care needs.

(b) (1) At least 50 percent of the committee members shall be registered nurses who provide direct patient care. These registered nurses shall be appointed by the bargaining agent of the registered nurses, if any, and in the absence of a bargaining agent, shall be appointed by the nursing administrator.

(2) The remaining members of the committee shall be appointed by the nursing administrator.

SEC. 2. Section 1279 of the Health and Safety Code is amended to read:

1279. (a) Every health facility for which a license or special permit has been issued shall be periodically inspected by the department, or by another governmental entity under contract with the department. The frequency of inspections shall vary, depending upon the type and complexity of the health facility or special service to be inspected, unless otherwise specified by state or federal law or regulation. The inspection shall include participation by the California Medical Association consistent with the manner in which it participated in inspections, as provided in Section 1282 prior to September 15, 1992.

(b) Except as provided in subdivision (c), inspections shall be conducted no less than once every two years and as often as necessary to ensure the quality of care being provided.

(c) For a health facility specified in subdivision (a), (b), or (f) of Section 1250, inspections shall be conducted no less than once every three years, and as often as necessary to ensure the quality of care being provided.

(d) During the inspection, the representative or representatives shall offer advice and assistance to the health facility as they deem appropriate.

(e) For acute care hospitals of 100 beds or more, the inspection team shall include at least a physician, registered nurse, and persons experienced in hospital administration and sanitary inspections. During the inspection, the team shall offer advice and assistance to the hospital as it deems appropriate.

(f) The department shall ensure that a periodic inspection conducted pursuant to this section is not announced in advance of the date of inspection. An inspection may be conducted jointly with inspections by entities specified in Section 1282. However, if the department conducts an inspection jointly with an entity specified in Section 1282 that provides notice in advance of the periodic inspection, the department shall conduct an additional periodic inspection that is not announced or noticed to the health facility.

(g) (1) Notwithstanding any other law, the department shall inspect for compliance with state law and regulations during a state periodic inspection or at the same time as a federal periodic inspection, including, but not limited to, an inspection required under this section. If the department inspects for compliance with state law and regulations at the same time as a federal periodic inspection, the inspection shall be done consistent with the guidance of the federal Centers for Medicare and Medicaid Services for the federal portion of the inspection.

(2) During every periodic state inspection of a general acute care hospital, the department shall inspect for compliance with the nurse-to-patient ratios established pursuant to Section 1276.4.

(h) The department shall emphasize consistency across the state and its district offices when conducting licensing and certification surveys and complaint investigations, including the selection of state or federal enforcement remedies in accordance with Section

1423. The department may issue federal deficiencies and recommend federal enforcement actions in those circumstances where they provide more rigorous enforcement action.

SEC. 3. It is the intent of the Legislature in enacting Section 1276.45 of the Health and Safety Code to supersede subdivisions (e) and (f) of Section 70217 of Title 22 of the California Code of Regulations, and not to affect any other law.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2014

Governor